

**TRANSLATION**

PATENT COOPERATION TREATY

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>08614.6</b>	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. <b>PCT/EP2005/000350</b>	International filing date (day/month/year) <b>14.01.2005</b>	Priority date (day/month/year) <b>14.01.2004</b>	
International Patent Classification (IPC) or national classification and IPC <b>E04C2/296 E04D3/35 E04F15/18</b>			
Applicant <b>EWALD DÖRKEN AG</b>			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
<p>4. This report contains indications relating to the following items:</p> <table> <tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2005/000350

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished  
 the description:
- pages 1-9 as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-15 received by this Authority on 28.04.2006 by fax
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:
- sheets 1/1 as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.	PCT/EP2005/000350
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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## 1. Statement

Novelty (N)	Claims <u>1-15</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>10-13, 15</u>	YES
	Claims <u>1-9, 14</u>	NO
Industrial applicability (IA)	Claims <u>1-15</u>	YES
	Claims _____	NO

## 2. Citations and explanations (Rule 70.7)

- 1.1 Document JP-A-06200595 discloses an insulating studded sheet (8), which on one side of a plane has shaped hollow studs and on one side of a plane, in order to increase the heat transfer resistance, has a surface with a relatively high degree of reflection.
  
- 1.2 The subject matter of claim 1, which is directed to a product, differs from that already known and in the corresponding variant in that the sheet has a degree of reflection of more than 20% on both sides of the plane.
  
- 1.3 Such a degree of reflection can be implicitly deduced from the citation (aluminium-coating) and the restriction "on both sides" would, according to the circumstances, be considered obvious by a person skilled in the art, and therefore the subject matter of the claim does not involve an inventive step (PCT Article 33(3)). The additional features introduced by claims 4, 5, 7 and 9 are already known from the citation. In addition, the other variant of claim 1 (hollow

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Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

studs formed on both sides) is a structural measure that is known *per se*.

2. The features added by product claims 2, 3, 6 and 8 and method claim 14 do not support an inventive step (PCT Article 33(3)): claims 2 and 6; suggested by JP-A-06200595 (aluminium coating); claims 3 and 8; a pigmented (titanium dioxide) plastic that reflects infrared radiation is known *per se* from US-A-20030148093; claim 14; a procedure of this kind is standard in the production of studded sheets.
3. Composite plates with a studded sheet arranged on a base component, again for increasing heat transfer resistance, are known, *inter alia*, from DE-A-2149851 (see metal studded sheet (1)). It would not, however, be considered obvious to replace that sheet with the studded sheet claimed by the present claim 1, and therefore claim 10, and claims 11-13, which are dependent thereon, satisfy the criteria in PCT Article 33(3). This assessment applies *mutatis mutandis* to method claim 15.